

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### SUPPLEMENT

#### GOVERNMENT OF GOA

Department of Personnel

Directorate of Vigilance

#### Notification

1/26/80-VIG-VOL-I

In exercise of the powers conferred by section 32 of the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991), the Government of Goa hereby makes the following rules so as to specify the powers of the Commission, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa Public Men's Corruption (Investigations and Inquiries) Powers of Commission Rules, 1993.

(2) They shall come into force at once.

2. *Definition.*—In these rules, unless the context otherwise requires,—

(i) "Act" means the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991);

(ii) Words and expressions used but not defined in these rules, and defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. *Conditions of Service of Counsel appointed by the Commission.*—The fees payable to and the duties, rights and liabilities of Counsel appointed by the Commission to assist it under sub-section (6) of section 13 of the Act shall be the same as are applicable to the Public Prosecutor/Government Advocate appointed by the State Government:

Provided that, it shall be competent for the Commission, in special circumstances of a particular case or considering the nature of the work for which the Counsel is appointed, to sanction the payment of fees at a higher rate or a consolidated fee to the Counsel appointed by it.

4. *Powers of Commission under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).*—(1) The Commission or any officer authorised in this behalf by the Commission shall have the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

- (a) to grant injunction;
- (b) to issue commission for local inspection;
- (c) to make, during the pendency of any complaint any interlocutory order as may appear to the Commission to be just and necessary to meet the ends of justice;
- (d) to allow amendment of the complaints or applications;
- (e) to add as parties the legal representatives of a deceased party in any complaint pending before it, subject to the provisions of Order XXII of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in so far as they are applicable;
- (f) To review its decisions or orders on interlocutory applications;
- (g) to dismiss a complaint for default or to decide it *ex parte*;
- (h) to set aside an order of dismissal of a complaint for default or any order passed *ex parte*.

(2) The period of limitation for an application to implead the legal representatives of a party shall be ninety days from the date of his death.

(3) The period of limitation for applications under clauses (f) and (h) of sub-rule (1) shall be thirty days from the date of the decision or order.

(4) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963), shall be applicable to applications mentioned in clauses (e), (f) and (h) of sub-rule (1).

5. *Powers of Commission to correct errors.*—(1) The Commission may at any time correct any clerical or arithmetical error in a report, declara-

tion, decision or order arising from any accidental slip or omission, either suo motu or on application.

(2) Subject to the provisions of section 153 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), the Commission may at any time and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceedings in a petition.

6. *Power to strike out or add parties.* — The Commission may, at any stage of the proceedings in a complaint either suo-motu or on application, delete the name of any party-improperly joined or, add as party any person who ought to have been joined or whose presence before the Commission is felt necessary in order to enable the Commission, to decide effectively and completely the question involved in any complaint and the provision of rule 10 of Order I of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, as far as may be, apply to such deletion or addition of parties.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Deputy Director (Vigilance).

Panaji, 14th June, 1993.

#### Notification

1/26/80-VIG-VOL-I

In exercise of the powers conferred by sub-section (1) read with clause (e) of sub-section (2) of section 32 and sub-clause (iii) of clause (c) of section 2 of the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991), the Government of Goa hereby makes the following rules, namely: —

1. *Short title and commencement.* — (1) These rules may be called the Goa Public Men's Corruption (Assets and Liabilities) Rules, 1993.

(2) They shall come into force at once.

2. *Definitions.* — In these rules unless the context otherwise requires,—

(a) "Act" means the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991);

(b) "Defaulter" means a public man who has failed to submit his property statement as laid down in section 25 of the Act or has submitted his statement after the due date without sufficient cause, or has submitted false or incorrect statement before the competent authority;

(c) Words and expressions used but not defined in these rules and defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. *Forms for statement of assets and liabilities.* — The property statement in respect of both movables and immovables as envisaged in section 25 of the Act, shall be submitted in Forms A and B appended to these rules.

4. *Competent Authority.* — The authority to whom the property statement has to be submitted shall be specified against the categories of public men as noted below, namely: —

- |   |   |
|---|---|
| (1) Chairman of Public Sector Undertaking.                                      | — Minister in-charge of the Administrative Department concerned.  |
| (2) Mg. Director of Public Sector Undertaking.                                  | — Secretary in-charge of the Administrative Department concerned. |
| (3) Chairman of Planning & Development Authority.                               | — Minister in-charge of Urban Development Department.             |
| (4) Secretary of Planning & Development Authority.                              | — Secretary in-charge of Urban Development Department.            |
| (5) Chairman/President of Statutory Body owned or controlled by Government.     | — Minister in-charge of the Administrative Department concerned.  |
| (6) Secretary/Mg. Director of Statutory Body owned or controlled by Government. | — Secretary in-charge of the Administrative Department concerned. |
| (7) President/Vice President of Municipal Council.                              | — Minister in-charge of the Urban Development Department.         |
| (8) President/Vice President of Village Panchayat.                              | — Director of Panchayats.   |
| (9) Member of State Transport Authority.  | — Secretary in-charge of the Administrative Department.           |
| (10) Member of Regional Transport Authority.                                    | — Secretary in-charge of the Administrative Department.           |

5. *Action against defaulter.* — (1) If the Competent Authority is satisfied on enquiry that public man is a defaulter, the Competent Authority shall report the fact to the Commission and the Commission shall, on receipt of such a report, call for an explanation from the public man in respect of the default.

(2) The public man shall submit his explanation, if any, within thirty days from the date of receipt of the notice calling for his explanation under sub-rule (1).

(3) The Commission may extend the time fixed under sub-rule (2) for sufficient cause.

(4) The Commission after giving due consideration to all aspects and if found necessary or if so requested by the public man after giving him a personal hearing, may arrive at a finding on the matter and report the same to the State Government. The State Government may, after considering the report of the Commission, if satisfied that it is necessary in the Public interest, take appropriate action as deemed necessary.

FORM - A

(See Rule 3)

Statement of Movable properties of public man and members of his family.

Details of property	Owned or acquired by whom	Date of acquisition	Mode of acquisition (Whether acquired by purchase or inheritance or gift, mortgage or any other means)
1	2	3	4

Debts and other liability incurred by him/her or by means of his/her family, directly or indirectly	Date on which the debt/liability was incurred	Remarks
5	6	7

Signature.

Full name and address.

Note:— (1) Family includes the spouse and such parents, unmarried sisters and children of the public man as are dependent on him/her.

(2) Details of property should include (i) shares, debentures, deposits and cash including bank deposits owned, acquired by him/her either in his/her own name or by any other member of his/her family, (ii) Movable properties other than those specified in item (1) above.

(3) Articles of movable property exceeding four thousand rupees in value need alone be shown.

FORM - B

(See Rule 3)

Statement of Immovable properties of public man and members of his family.

Name of the District, Taluka and Village in which property is situated	Name and details of property		Present value	Acquired by whom
	Housing and other buildings	Lands- and Nature and extent		
1.	2.	3.	4.	5.

How acquired whether by purchase, lease, mortgage, inheritance gift or otherwise, with date of acquisition and name with details of person, persons whom acquired	Annual income from property	Remarks
6.	7.	8.

Signature.

Full name and address.

Note: (1) Family includes the spouse, and such parents unmarried sisters and children of the public man as are dependent on him/her.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Deputy Director (Vigilance).

Panaji, 14th June, 1993.

Notification

1/26/80-VIG-VOL I

In exercise of the powers conferred by sub-section (1) read with clauses (a) and (d) of sub-section (2) of section 32 of the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991), the Government of Goa hereby makes the following rules to specify the form in which complaints may be made under section 11 and the manner of deposit of the sum referred to in the said section, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Public Men's Corruption (Investigations and Inquiries) Complaint Rules, 1993.

(2) They shall come into force at once.

2. *Definitions.*— (1) In these rules unless the context otherwise requires,—

(a) "Act" means the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991);

(b) "Complaint" means a complaint presented to the Commission under section 11 of the Act;

(c) "Schedule" means the Schedule appended to these rules.

(2) Words and expressions used but not defined in these rules and defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. *Form of complaint.*— Every complaint shall as far as practicable be in accordance with the form set out in the Schedule.

4. *Copies of complaint.*— Every complaint and the documents accompanying it shall be in quadruplicate accompanied by as many spare copies as there are public men against whom allegations of corruption have been made in the complaint.

5. *Affidavit to accompany complaint.* — Every complaint shall be supported by an affidavit as provided in sub-section (2) of section 11 of the Act.

6. *Contents of affidavit.* — Every affidavit filed before the Commission shall be drawn up and authenticated in the manner specified under the Civil Procedure Code, 1908 (Central Act 5 of 1908).

7. *Copies of documents to be relied upon.* — If the complainant wants to rely upon any document, he shall along with the complaint submit under his signature, a true copy of such document.

8. *Mode of presentation.* — Every complaint shall be presented to the Commission in person or be sent by registered post.

9. *Sum to be deposited by complainant.* — The deposit in the treasury of the sum mentioned in sub-section (2) of section 11 of the Act, by the complainant shall be under the Head "8443 Civil Deposits — 116 Deposits under various Central and State Acts 01 — Deposits under sub-section (2) of the Section 11 of the Goa Public Men's Corruption (Investigations and Inquiries) Act 1988 (Act 7 of 1991).

10. *Defective complaint not be entertained.* — A complaint which does not comply with any of the requirements of the Act or these rules shall not be entertained:

Provided that the complainant may be given, an opportunity to cure the defects within such period and in such manner as may be specified by the Commission.

#### SCHEDULE

(See Rule 3)

#### Cause Title: —

Before the Commission constituted under section 4 of the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991) Complaint No. .... of ..... 19.....

Between

A. B. (Add name and address) Complainant

And

C. D. [Add name, official designation (if any) and address] Respondent

1. Name of the Complainant

2. Father's or Husband's name

3. (a) Age

(b) Occupation

(c) Status

4. Permanent Address

(a) Name

(b) House Number

(c) Street/Road

(d) Village/Ward

(e) Post Office

(f) Taluka

(g) District

5. Chalan No., name of treasury and date of deposit of the sum referred to in section 11 (2) of the Act. (No deposit is required if the petition is presented jointly by not less than ten members of the Legislative Assembly).

6. Nature, description and particulars, including the approximate date or period of the corrupt act alleged to have been committed.

7. Name and address of other persons (if any) who have knowledge about the facts relating to the complaint whom the complainant would like to be summoned by the Commission.

8. Documents attached to the complaint.

Signature of the Complainant

Place:

Date:

I/We declare that what is stated in paragraph ( ) is true to my/our knowledge and that what is stated in paragraph ( ) is stated on information which is believed to be true.

Signature

Date:

(Note: The form can be copied out on plain paper by the complainant. Additional pages can be added, according to the requirements of the nature and description of the alleged corruption).

By order and in the name of the Governor of Goa.

K. M. Nambiar, Dy. Director (Vigilance).

Panaji, 14th June, 1993.

#### Notification

1/26/80-VIG-VOL-I

In exercise of the powers conferred by sub-section (1) read with clause (b) of sub-section (2) of section 32 of the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991), the Government of Goa hereby makes the following rules regarding the conditions of service of Members of the Commission, namely: —

1. *Short title and commencement.* — (1) These rules may be called the Goa Public Men's Corruption (Investigations and Inquiries) Conditions of Service of Members of the Commission Rules, 1993.

(2) They shall come into force at once.

2. *Definitions.* — In these rules, unless the context otherwise requires, —

(i) "Act" means the Goa Public Men's Corruption (Investigations and Inquiries) Act, 1988 (Act 7 of 1991);

(ii) Words and expressions used but not defined in these rules, and defined in the Act, shall have the meanings respectively assigned to them in the act.

3. *Perquisites.*— A member shall be entitled to the same perquisites as of a Judge of the High Court of Judicature at Bombay or Supreme Court as the case may be, from time to time.

4. *Daily allowance.*— A member shall be entitled to daily allowance at the same rate as of a Judge of the High Court or Supreme Court as the case may be, from time to time.

5. *Surrender of leave.*— A member is entitled to surrender leave facilities as in the case of a Group 'A' Officer of the State Government.

6. *Medical reimbursement.*— A member shall be entitled to the same medical attendance facilities as of a Minister and the Medical Attendance Rules, if any, which are applicable to the Minister, Speaker, Deputy Speaker, Leader of Opposition, Chief Whip and the Members of the Legislative Assembly, shall also be applicable for reimbursement of medical expenses of a member and the members of his family.

7. *Leave travel concession.*— A member and members of his family shall be entitled to avail the same Leave Travel Concession as of a Judge of the High Court or Supreme Court as the case may be, and the members of his family from time to time.

8. *Pension.*— A member shall be entitled to an annual pension at the rate of Rs. 3,600/- for one completed year of service in the Commission. In the case of a member who has joined the Commission after retirement as a Judge or an Officer who held a pensionable job, pension at the above rate will have to be added to the pension he was already getting at the time of joining the Commission, so as to arrive at the pensionary benefits

for which he will be entitled when he ceases to be a member of the Commission.

9. *Right of a member for salary and allowances and other benefits.*— A member appointed on his assuming charge, becomes entitled to the salary and allowances and other benefits conferred by the Act and these rules including pensionary benefits for the whole of the term to which he is entitled to continue as a member as per section 6 of the Act.

In case a member is not able to complete his full term of office as per the terms of his appointment otherwise than by resignation or by removal under section 7 of the Act or by his death, he shall be entitled to get the salary, allowances and other benefits for his full term of office had he continued as member but for the termination of appointment for any reason whatsoever.

10. *Residuary matters.*— In matters not made mention of in these rules and for which provision is there in the Rules, notifications, orders and proceedings in force which govern the conditions of service of Judges of the High Court of Judicature at Bombay or the Supreme Court, as the case may be, the same provisions shall be applicable to a member as far as possible under the Act. The changes made from time to time in the service conditions of the Judges of the High Court of Judicature at Bombay or Supreme Court, as the case may be, shall be made applicable to a member of the Commission to the extent permitted by the provisions of the Act.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Dy. Director (Vigilance).

Panaji, 14th June, 1993.